

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

August 28, 2003

DIVISION ONE

B162897 People (Not for Publication)
v.
Thomas L. Bell

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B160994 People (Not for Publication)
v.
Taishaun C. Johnson

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B163197 People (Not for Publication)
v.
Randy B.

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

August 28, 2003 (Continued)

DIVISION ONE (Continued)

B157109 Ely Dromy (Not for Publication)
v.
Michael J. Siegel

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B161004 People (Not for Publication)
v.
Kenneth Alvin Jackson

The unnumbered condition of probation in the judgment is modified to include the following italicized portions and therefore read: "Do not use or possess any narcotics, dangerous or restricted drugs or associated paraphernalia, except with a valid prescription and stay away from places *known by you to be* where users or sellers congregate. Do not associate with *persons known by you to be* drug users or sellers unless attending a drug treatment program." As modified, the judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

B164994 Los Angeles County, D.C.S. (Not for Publication)
v.
Thomas J.

The judgment (order terminating parental rights) is affirmed.

Ortega, Acting P.J.

We concur: Spencer, PJ
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B167889 Douglas Shooker, et al. (Certified for Publication)

v.

Superior Court, Los Angeles County
(Gary Winnick et al., r.p.i.)

The petition is granted, the stay is vacated, and a peremptory writ shall issue commanding the trial court (1) to vacate its orders of March 18 and June 9, 2003, to the extent those orders include findings that Shooker has waived the attorney-client privilege, (2) to vacate its order of June 9 to the extent that order (a) permits Winnick to proceed with Shooker's deposition in Shooker's capacity as an expert, and (b) permits Winnick to subpoena or otherwise obtain privileged records from Shooker's former lawyers, and (3) to enter a new order reflecting that Shooker has not waived the attorney-client privilege. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B152687 Manchester (Not for Publication)

v.

Chung

The order awarding costs to defendant Chung is reversed. The cost bill submitted by defendant Chung is stricken. Plaintiff Manchester is entitled to his costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B158627 Aaron Air, LLC (Not for Publication)

v.

Univeral Jet et al.

We affirm the judgment. Respondents are awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

August 28, 2003 (Continued)

DIVISION ONE (Continued)

B160611 Johnson (Not for Publication)
v.
Lewis

The matter is remanded with directions to the family court to modify its June 5, 2002, order to reflect an award of child support arrearages plus interest to Husband from Wife in a specific amount for the period February 3, 1991, to November 1991. In all other respects, the judgment (order) is affirmed. The parties are to bear their own costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B160566 Goldman (Not for Publication)
v.
Cohen

The judgment (“Order After Hearing on Petition for Injunction Prohibiting Harassment” filed July 18, 2002) is affirmed. Goldman is awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B151369 Cacy (Not for Publication)
v.
Leonardo

The appeal is dismissed. Respondent is entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

August 28, 2003 (Continued)

DIVISION ONE (Continued)

B158638 Bearden (Not for Publication)

V.
Bearden

The judgment is reversed and the matter is remanded to the trial court for proceedings consistent with the views expressed herein. Robert G. Bearden, Jr., is entitled to costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B163074 People (Not for Publication)

V.
Sockerson

Appellant's sentence as to count 2 is stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B162098 Los Angeles County, D.C.S. (Not for Publication)

V.
Robert V.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B161713 Los Angeles County, D.C.S. (Not for Publication)
v.
Michael W., et al

The order denying the section 827 petition is reversed. On remand, the juvenile court shall reconsider the section 827 petition pursuant to the guidelines set forth in California Rules of Court, rule 1423.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B165656 People (Not for Publication)
v.
Cordero

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B160996 People (Not for Publication)
v.
Contreras

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Nott, J.

August 28, 2003 (Continued)

DIVISION TWO (Continued)

B159694 People (Not for Publication)
v.
Philpot

The appeal is dismissed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B160158 Bierlich (Not for Publication)
v.
Breentag West Inc.

The judgment is affirmed. Bierlich shall recover his costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B158110 Caldwell (Not for Publication)
v.
Caldwell

The probate court's order is affirmed in part and reversed in part. The matter is remanded to the probate court for a determination of the parties' payment of attorney fees and costs. The parties to bear their own costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

August 28, 2003 (Continued)

DIVISION TWO (Continued)

B158346 Paigah (Not for Publication)
v.
Oberman

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

[illegible]

The judgment is reversed. Appellants are awarded their costs on appeal

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B158368 Mergerson (Not for Publication)
v.
Zorilla

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

August 28, 2003 (Continued)

DIVISION TWO (Continued)

B155006 Henderson (Not for Publication)
 v.
 Iesco, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B160544 Colburt (Not for Publication)
 v.
 Colburt

The judgment is reversed. The parties are directed to list the house for sale with a mutually agreed upon broker and to divide equally between them the net proceeds from the sale of the house. Wife is entitled to recover costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Doi Todd, J.

DIVISION THREE

B159850 Johnny Jackson (Certified for Publication)
 v.
 City of Los Angeles

The judgment is reversed, and the matter is remanded to the trial court with directions to vacate the order denying the petition for writ of mandate, to conduct further proceedings pursuant to relief requested in that petition, and to enter a new and different order granting the petition. Costs on appeal are awarded to appellant Jackson.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE (Continued)

B156633 People (Not for Publication)
v.
Khodanian

The abstract of judgment is ordered modified as set forth herein. The clerk of the superior court is directed to prepare an amended abstract of judgment and to forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B160641 Lawrence E. Hill (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. The trial court's order denying the County's application for attorney's fees is affirmed. Each party shall pay their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B161799 Los Angeles County, D.C.S. (Not for Publication)
v.
Michael R.

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

August 28, 2003 (Continued)

DIVISION THREE (Continued)

B149900 Anna Marie Zabielski, etc., et al.
v.
Ken Kresa, et al.

Filed order vacating submission order of May 28, 2003, due to the press of other court business and the complexity of the issues in this case. Cause resubmitted.

DIVISION FIVE

B155599 People (Not for Publication)
v.
Jones

The judgment of conviction is affirmed. The matter is remanded to the Superior Court for limited resentencing to determine whether to impose or strike the four prior prison term enhancements.

Armstrong, J.

We concur: Turner, P.J.
I Dissent: Mosk, J.

DIVISION SIX

B166083 Stephen F. (Not for Publication)
v.
Alejandro J.

The judgment is affirmed. Respondent's request for attorney's fees for filing a frivolous appeal is denied. Parties to bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

August 28, 2003 (Continued)

DIVISION SEVEN

B158894 Weinberg
 v.
 Safeco Insurance Company

Filed order granting petition for rehearing.

DIVISION EIGHT

B160015 People
 v.
 Hernandez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)